(1) (3)

CFIST

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE :
BILASPUR Division Bench

MISC. APPEAL NO. 975 /2003

APPELLANT
INSURER : National Insurance Company Ltd.
Through : Its Branch Manager,
Bilaspur (Chhattisgarh)

- VERSUS -

RESPONDENT
DRIVER 1). Mukundram Yadav
S/oChhitruram Yadav, Driver
Aged about 27 years,
R/o Village Bakawand,
P.S.Nagarnar,Tehsil: Jagdalpur.

RESPONDENT
OWNER 2). Bhagwan Singh Thakur,
S/o Narottam Singh Thakur,
Aged about 31 years,
R/o Village Pahurbel,
P.S. Nagarnar,
Tehsil : Jagdalpur.

P. R. No. 2005/03
Presented by Shri Prateek Sinha
Date 13/09/03

RESPONDENTS
CLAIMANTS 3). Smt. Asti Dewangan,
W/o Late Roopnath Dewangan
Caste : Koshta,
Aged about 34 years
R/O Village Dongariguda Para
Karpavad, P.S. Karpavad,
Tehsil: Jagdalpur.

4). Smt. Anusuiya,Second wife of
Late Roopnath Dewangan,
Aged about 31 years,
R/o Village: Semraguda Para,
Mangnar, Police Chowki :
Karpavad, P.S.: Bhanpuri,
Tehsil :Jagdalpur, Dist.Bastar
Chhattisgarh.

MEMO OF APPEAL UNDR SECTION 173 OF THE MOTOR VEHICLE ACT.

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

Retyped

# आदेश पत्रक

मामला क्रमांक M.A.No.975 and 978/ सन् 2003

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

DB: Hon'ble Shri A.S.V. Moorthy, C.J.
and Hon'ble Shri L.C. Bhadoo, J.

1-9-2004

Heard Shri Sanjay K. Agrawal, counsel for the appellants.

This order shall govern the disposal of M.A. Nos. 975/2003 and 978/2003.

On 5-5-2001 one Rupnath Devangan was going to Jagdlapur in the motorcycle, when the tractor bearing registration No. C.P.T./2461 which came from the opposite direction dashed against the said motorcycle. Rupnath Devangan was thrown out and he died. The first wife of deceased Devangan filed a claim case claiming compensation. The second wife, father and mother of the deceased filed a separate claim. Both these cases were disposed of by a common order. The Tribunal fixed the compensation of Rs.1,51,000/-. Questioning the correctness of this order, the Insurance Company has filed M.A. Nos.975/2003 and 978/2003.

Learned counsel for the appellant submitted that at the relevant time the tractor was not insured with the Insurance Company. However, we find that no materials have been placed before this Court in this regard.

As far as the quantum is concerned, though it is claimed that the same is on higher side, learned counsel has not demonstrated

[पीछे देखिये

(43)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक M.A.No.975 and 978/ सन् 2003

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित - 2 - | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | how it is so. In fact, we are of the view that the compensation that has been fixed by the Tribunal is somewhat on the lower side.<br>In the result, we do not find any substance in these appeals, and the same are dismissed.<br>Consequently, M.(C.)P. No.1644/2003, I.A. Nos.9717/2003, 9718/2003, 9721/2003 & 9722/2003 stand disposed of.<br>**Sd/-**<br>**Chief Justice**<br>**Sd/-**<br>**L.C.BHADOO**<br>**Judge** | |
| Barve/Soma | | |

[पीछे देखिये